

Fresno, CA

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

DYCOR TRANSITIONAL HEALTH-  
FRESNO, LLC

and

Cases 32-CA-215700

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 2015

DYCOR TRANSITIONAL HEALTH-  
FRESNO, LLC

and

32-RD-213130

ROSALINDA LORONA

and

HEALTHCARE SERVICES  
GROUP, INC.

**ORDER AND CERTIFICATION OF RESULTS OF ELECTION**

On February 28, 2019, Administrative Law Judge Ariel L. Sotolongo of the National Labor Relations Board issued his Decision and Recommended Order on Objections to the Election in the above-entitled proceeding, and, on the same date, the proceeding was transferred to and continued before the Board in Washington, D.C. The Administrative Law Judge found that the Respondent has engaged in certain unfair labor practices and recommended that it take specific action to remedy such unfair labor

practices. The judge further recommended that the Board overrule the election objections and certify the results of the election held on May 31, 2018.<sup>1</sup>

### **ORDER**

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Decision, and orders that the Respondent, Dycora Transitional Health-Fresno, LLC, its officers, agents, successors, and assigns, shall take the action set forth in the recommended Order of the Administrative Law Judge, except that, in light of our Certification of Results of Election, we shall substitute the attached notice for that of the Administrative Law Judge.

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<sup>1</sup> A secret ballot election was conducted on May 31, 2018 pursuant to a Decision and Direction of Election. The tally of ballots showed 32 votes cast for the Service Employees International Union, Local 2015 (Union) and 57 against the Union, with 28 challenged ballots, a number sufficient to affect the results of the election. On June 12, 2018, the Regional Director issued a supplemental decision directing that the challenged ballots be opened and counted, which was done on June 27, 2018. The revised tally of ballots showed 42 votes cast for the Union and 74 against the Union, and 1 sustained challenged ballot. Thus, the Union did not prevail in the decertification election. In the absence of exceptions, the judge directed that “Case 32-RD-213130 be severed from Case 32-CA-215700 [and remanded] to the Regional Director to process this matter ... and to issue an appropriate certification.” However, there is no need for a remand because, under Section 102.69 of the Board’s Rules, the Board itself has the authority to issue such a certification. Accordingly, rather than remand the representation case, we issue a Certification of Election Results. See *Johnston Fire Services, LLC*, 367 NLRB No. 49, slip op. at 1 fn. 3 (2019); *Talmadge Park, Inc.*, 351 NLRB 1241, 1241 fn. 4 (2007).

**CERTIFICATION OF RESULTS OF ELECTION**

IT IS CERTIFIED that a majority of the valid ballots have not been cast for the Service Employees International Union, Local 2015, and that it is not the exclusive collective-bargaining representative of the bargaining-unit employees in the Employer's Fresno, California facility.

Dated, Washington, D.C., May 17, 2019.

By direction of the Board:

/s/ Leigh A. Reardon

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Associate Executive Secretary

## NOTICE TO EMPLOYEES

Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law by failing and refusing to notify and bargain over a food consumption practice with the Service Employees International Union, Local 2015, while it was the bargaining-unit employees' certified representative and has ordered us to post and obey this notice.

### FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

In recognition of these rights, we hereby notify employees that:

**WE WILL NOT** interfere with, restrain, or coerce you in the exercise of rights listed above.

DYCORA TRANSITIONAL HEALTH—FRESNO  
LLC

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(Employer)

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

Oakland Federal Bldg., 1301 Clay Street, Room 300-N, Oakland, CA 94612-5211  
(510) 637-3300, Hours: 8:30 a.m. to 5 p.m.

The Administrative Law Judge's decision can be found at <https://www.nlr.gov/case/32-CA-215700> or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (510) 671-3034.